



June 26, 2017

VIA ELECTRONIC MAIL

Records, FOIA, and Privacy Branch
Office of Environmental Information
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2822T)
Washington, DC 20460
hq.foia@epa.gov

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* and the implementing regulations for the Environmental Protection Agency (EPA), 40 C.F.R. Part 2, American Oversight makes the following request for records.

On June 1, 2017, President Donald Trump announced that the United States would officially withdraw from the Paris climate agreement.¹ Around that same time, news reports surfaced that EPA had been “quietly” working behind the scenes to place op-eds in newspapers supporting the U.S.’s withdrawal from the Paris agreement.² In 2015, the GAO concluded that EPA had violated federal law for using similar “covert propaganda” efforts to promote the “Waters of the United States” rule.³ American Oversight seeks records to determine whether EPA’s recent activities in opposition to the Paris climate agreement complied with federal law.

¹ Michael D. Shear, *Trump Will Withdraw U.S. from Paris Climate Agreement*, N.Y. TIMES, June 1, 2017, <https://www.nytimes.com/2017/06/01/climate/trump-paris-climate-agreement.html>; Camila Domonoske & Colin Dwyer, *Trump Announces U.S. Withdrawal from Paris Climate Accord*, NPR (June 1, 2017, 10:54 AM), <http://www.npr.org/sections/thetwo-way/2017/06/01/530748899/watch-live-trump-announces-decision-on-paris-climate-agreement>.

² See Jonathan Swan & Amy Harder, *Scoop: Trump Tells Confidants U.S. Will Quit Paris Climate Deal*, AXIOS, May 28, 2017, <https://www.axios.com/scoop-trump-tells-confidants-he-plans-to-leave-paris-climate-deal-2424446776.html>; Kevin Kalhoefer & Lisa Hymas, *EPA Reportedly Helped Paris Agreement Opponents Place Op-Eds in Newspapers*, MEDIA MATTERS (June 1, 2017, 12:06 PM), <https://www.mediamatters.org/research/2017/06/01/EPA-reportedly-helped-paris-agreement-opponents-place-op-eds-in-newspapers/216727>.

³ Jonathan Adler, *GAO Hits EPA for ‘Covert Propaganda’ to Promote ‘Water of the United States’ (WOTUS) Rule*, WASH. POST, Dec. 15, 2015, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/12/15/gao-hits-epa-for-covert-propaganda-to-promote-waters-of-the-united-states-wotus-rule/?utm_term=.ee1a24642190; Environmental Protection Agency—Application of Publicity or Propaganda and Anti-Lobbying



Requested Records

American Oversight requests that EPA produce the following within twenty business days:

- I. All records regarding efforts to support, assist, place, encourage, or facilitate any public commentary or messaging regarding the United States' withdrawal from the Paris climate agreement. This request includes, but is not limited to, the following types of records:
 - a. Records regarding efforts to place, assist in the placement of, or encourage the drafting of op-ed articles in newspapers, including articles published without attribution to anyone associated with the EPA;
 - b. Records regarding efforts to use social media to develop support for withdrawal from the Paris climate agreement, including any efforts to support, assist, facilitate, or promote social media activities not attributed to anyone associated with the EPA;
 - c. Records regarding any effort to identify, inform, assist, or support surrogates, including journalists, business leaders, academics, or media personalities, who supported withdrawal from the Paris climate agreement; and
 - d. Records regarding any other indirect or grassroots lobbying efforts related to the Paris climate agreement.

Please provide all responsive records from January 20, 2017, to the date the search is conducted.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If EPA uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or

Provision, Report B-326944, U.S. GOVERNMENT ACCOUNTABILITY OFFICE (Dec. 14, 2015), <http://www.gao.gov/products/B-326944>.

discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.¹ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.²**

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered EPA prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.³ Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files.** For example, a custodian may have deleted a responsive email from his or her email program, but EPA’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that EPA use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

¹ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

³ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁷ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁸ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁹ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”¹⁰

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.¹¹ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, EPA is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and EPA can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on rolling basis.

⁷ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁸ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁹ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

¹⁰ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

¹¹ *Mead Data Central*, 566 F.2d at 261.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”¹² There has been widespread public interest in Mr. Trump’s decision to withdraw the United States from the Paris climate agreement. The requested records would shed light on what activities the federal government took to support that decision, including “unofficial” actions that may not previously have been attributed to EPA or any other federal agency. Indeed, news reports about the events underlying this request have raised questions about whether EPA’s actions opposing the Paris climate agreement complied with federal anti-lobbying rules.¹³ The American people deserve to know whether and how the country’s top regulators are operating behind the scenes to influence federal policies, and whether they are violating any federal laws in doing so.

This request is primarily and fundamentally for non-commercial purposes.¹⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹⁵ American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹⁶ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ’s process for ethics waivers.¹⁷ As

¹² 40 C.F.R. § 2.107(l)(1), (2)(i)-(iv).

¹³ See *supra*, notes 2, 3.

¹⁴ 40 C.F.R. § 2.107(l)(1), (3)(i)-(ii).

¹⁵ American Oversight currently has over 10,900 page likes on Facebook, and over 32,700 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited June 22, 2017); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited June 22, 2017).

¹⁶ *Vetting the Nominees: Solicitor General Nominee Noel Francisco*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/our-actions/vetting-nominees-solicitor-general-nominee-noel-francisco>.

¹⁷ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/news/francisco-travel-ban-learned-doj-documents>.

another example, American Oversight's has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹⁸

Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Sara Creighton at foia@americanoversight.org or (202) 869-5246. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

¹⁸ *Audit the Wall*, AMERICAN OVERSIGHT, www.auditthewall.org.

Message

From: foia@regulations.gov [foia@regulations.gov]
Sent: 6/27/2017 9:18:30 PM
To: Farren, Victor [Farren.Victor@epa.gov]
Subject: FOIA Assignment for EPA-HQ-2017-008870

You have been assigned to the FOIA request EPA-HQ-2017-008870. Additional details for this request are as follows:

- Assigned By: Jonathan V. Newton
- Request Tracking Number: EPA-HQ-2017-008870
- Due Date: N/A
- Requester: Austin Evers
- Request Track: Simple
- Short Description: N/A
- Long Description: Requesting all records regarding efforts to support, assist, place, encourage, or facilitate any public commentary or messaging regarding the United States' withdrawal from the Paris climate agreement.

Message

From: American Oversight FOIA [foia@americanoversight.org]
Sent: 11/2/2017 7:58:51 PM
To: Farren, Victor [Farren.Victor@epa.gov]
Subject: Checking on status of FOIA requests

Victor,

Thanks for the call just now. I appreciate the heads up about that. The FOIA requests we would like to check on are the following:

Three related FOIAs:

- EPA-HQ-2017-008848 (Appeal EPA-HQ-2017-011220)
- EPA-HQ-2017-008850 (Appeal EPA-HQ-2017-011221)
- EPA-HQ-2017-008852 (Appeal EPA-HQ-2017-011222)

Also:

- EPA-HQ-2017-008853
- EPA-HQ-2017-008854
- EPA-HQ-2017-008855 (Appeal EPA-HQ-011242)
- EPA-HQ-2017-008869
- EPA-HQ-2017-008870

If you could somehow put me in touch with the various people responsible for these requests, that would be wonderful.

Thank you!


Sara Creighton
Counsel
American Oversight
foia@americanoversight.org | 202-869-5245
www.americanoversight.org | @weareoversight

EPA-HQ-2017-008870 Request Details Backlogged

Case Phase: Closed **Case Status:** Closed **Due Date:** 09/06/2017 **Clock Days:** 921

Requester Information

Existing Comments

Date Created	Last Edited On	User Name	Action	Detail
04/19/2021 02:16 PM	04/19/2021 02:16 PM	Victor Farren		—
Comment	Request withdrawn as per correspondence.			

New Comment

0/2000

From: [Sara Creighton](#)
To: [Yarbrough, Christopher](#)
Subject: Re: Proposed Discussion Regarding American Oversight's EPA FOIA Requests
Date: Tuesday, April 13, 2021 1:16:29 PM

Chris,

Thanks for reaching out. We recently went through and evaluated whether we have any outstanding requests we'd be willing to drop at any agencies and were planning to contact you about this anyway. It sounds like Hart has already notified you about the requests for which he was the primary point of contact, but I have the master list and can give you a full rundown of the other requests we are willing to withdraw.

(And I will apologize in advance if any of these requests already received a response or are listed as Closed in your system for any reason. Sometimes our record-keeping systems aren't perfect and might not correctly process a response as being "final" such that we know a request is closed.)

- EPA-HQ-2019-007470
- EPA-HQ-2019-003256
- EPA-HQ_2019-003225
- EPA-2019-001332
- EPA-HQ-2018-011129
- EPA-2018-011128
- EPA-2018-011127
- EPA-HQ-2018-011081
- EPA-HQ-2018-011080
- EPA-HQ-2018-011078
- EPA-HQ-2018-010844
- EPA-HQ-2018-010266
- EPA-HQ-2018-010264
- EPA-2018-009519
- EPA-HQ-2018-009134
- EPA-HQ-2018-008690
- EPA-HQ-2018-008572
- EPA-HQ-2018-007976
- EPA-HQ-2017-011280
- EPA-HQ-2017-011281
- EPA-HQ-2017-006652
- EPA-HQ-2017-008870

We also very much appreciate your offer to prioritize some of higher-priority requests as a gesture of goodwill for us withdrawing so many requests. I am going to talk to our research team here and see if we can identify a small number of high priority requests, and I will reach back out to you within the next week or two to see if you think you can help us with those.

Thank you again,

Sara

From: FOIA <foia@americanoversight.org>
Date: Monday, April 12, 2021 at 1:51 PM
To: "Yarbrough, Christopher" <yarbrough.christopher@epa.gov>
Cc: Sara Creighton <sara.creighton@americanoversight.org>
Subject: Fw: Proposed Discussion Regarding American Oversight's EPA FOIA Requests

Hi Chris,

I'm copying Sara Creighton here with respect to any other outstanding requests that may be withdrawn.

Thanks,
Hart

From: FOIA <foia@americanoversight.org>
Sent: Monday, April 12, 2021 1:35 PM
To: Yarbrough, Christopher <yarbrough.christopher@epa.gov>
Subject: Re: Proposed Discussion Regarding American Oversight's EPA FOIA Requests

Hi Chris,

Sorry for the wait getting back to you. We're fine to withdraw at least these five:

EPA-HQ-2019-001000
EPA-HQ-2019-004023
EPA-HQ-2019-005628
EPA-HQ-2019-007218
EPA-HQ-2019-008674

I believe there are approximately 20 others as well, but let me get confirmation that there are no objections to those first.

Thanks,
Hart

From: Yarbrough, Christopher <yarbrough.christopher@epa.gov>
Sent: Wednesday, April 7, 2021 6:24 PM
To: FOIA <foia@americanoversight.org>
Subject: FW: Proposed Discussion Regarding American Oversight's EPA FOIA Requests

EXTERNAL SENDER

Good evening, Hart and other American Oversight personnel. I hope everyone is doing well.

I'm following up to my email below – can I touch base with Hart?

I appreciate any help you can offer. Thank you, and have a great rest of the week.

Chris

From: Yarbrough, Christopher

Sent: Wednesday, March 10, 2021 5:39 PM

To: American Oversight FOIA <foia@americanoversight.org>

Subject: Proposed Discussion Regarding American Oversight's EPA FOIA Requests

Good evening, Hart and other American Oversight (AO) personnel. I hope you are doing well and more importantly that you and your families are staying healthy during these unique times.

I was hoping to touch base with Hart by phone regarding AO's outstanding EPA FOIA requests. As it stands today, AO has 39 requests assigned to EPA's Office of the Administrator. Given the change in Administration, passage of time, and EPA's encouraging movement away from regulatory rollbacks we hoped to hold discussions with you about the prioritization and processing of AO's requests. We also hope to discuss whether some requests are now no longer relevant, and whether in some cases, withdrawal may be an appropriate option.

I have attached a Microsoft Excel spreadsheet with the 39 requests assigned to our Office of the Administrator. Please let me know if you are available in the near future to talk by phone.

Many thanks!

Chris

Chris Yarbrough

Attorney-Adviser

U. S. Environmental Protection Agency

Office of the Executive Secretariat

(202) 564-5290

Tracking Number	Requester Name	Requester Organization	Description
EPA-2021-002909	Austin R Evers	American Oversight	<p>All formal letters, memoranda, and orders written or signed by the former agency officials listed below: (1) Andrew Wheeler, EPA Administrator, and (2) Henry Darwin, Acting Deputy EPA Administrator. Please provide all responsive records from November 4, 2020, through January 20, 2021.</p> <p>All calendars and calendar entries for the agency officials listed below, including any calendars maintained on their behalf, reflecting events that took place from January 1, 2020 to the date the search is conducted.</p> <p>For calendar entries created in Outlook or similar programs, the documents should be produced in â€œmemoâ€ form to include all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendarsâ€”we request the production of any calendarâ€”paper or electronic, whether on government-issued or personal devicesâ€”used to track or coordinate how these individuals allocate their time on agency business.</p> <p>a. Administrator Andrew Wheeler b. Chief of Staff Mandy Gunasekara</p> <p>The search should include any calendars associated with an agency officialâ€™s individual email account, as well as any official calendars maintained for the official, including by his or her administrative assistant or scheduler.</p>
EPA-2020-006030 EPA-2020-004814	Austin R Evers Austin R Evers	American Oversight American Oversight	<p>Please see attached (EPA-20-1294).</p> <p>messages, email attachments, complete email chains, calendar invitations, and attachments thereto) sent by (1) anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) to (2) anyone with an email address ending in .com / .net / .org / .edu / .mail / .us.</p> <p>American Oversight has limited its request to sent messages of the specified agency officials to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if the White House Liaison sent a response to an incoming message from an email address specified above, the email chain containing the initially received message and the response is responsive to this request.</p> <p>Please provide all responsive records from January 1, 2019, through the date the search is conducted.</p> <p>2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of (1) anyone serving in the capacity of White House Liaison or White House Advisor (including anyone serving as their Chiefs of Staff or Deputies) with or about (2) any of the below specified external entities or individuals:</p> <p>i. Virginia â€œGinniâ€ Thomas or any person communicating on her behalf, such as Crystal Clayton ii. Barbara Ledeen or any person communicating on her behalf iii. Becky Norton Dunlop or any person communicating on her behalf</p> <p>Please provide all responsive records from January 1, 2019, through the date... Please see attached (EPA-20-0074).</p> <p>American Oversight requests that EPA produce the following records within twenty business days:</p> <p>All electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (1) any of the EPA officials listed or described and (2) anyone in the White House Office, including anyone with an email address ending in @who.eop.gov, regarding (a) the state of California, (b) localities within the state of California (such as San Francisco, Sacramento, Coachella Valley, Western Nevada County, and Ventura County), or (c) state or local officials from California, including but not limited to Governor Gavin Newsom, Chair of the California Air Resource Board Mary Nichols, Attorney General Xavier Becerra, and San Francisco Mayor London Breed.</p> <p>EPA Officials:</p> <p>i. Administrator Andrew Wheeler, and anyone communicating on his behalf, including advisors, assistants, and schedulers; ii. Assistant Deputy Administrator Henry Darwin; iii. Associate Deputy Administrator Doug Benevento; iv. Chief of Staff Ryan Jackson; v. Deputy Chief of Staff Michael Molina; vi. Acting Deputy Chief of Staff Kevin DeBell; vii. Associate Administrator for Congressional and Intergovernmental Relations Joseph Brazauskas; viii. Director of Intergovernmental Relations Britt Carter; ix. Associate Administrator for Policy Brittany Bolen; x. Acting Assistant Administrator for Air and Radiation Anne Idsal; xi. Assistant Administrator for Water David Ross; xii. Anyone serving in the role of White House Liaison.</p>
EPA-HQ-2020-003257	Austin R Evers	American Oversight	<p>Please see attached (EPA-20-0044).</p> <p>Please see attached (EPA-19-1128).</p> <p>Please see attached (EPA-19-0931).</p>
EPA-HQ-2020-002431 EPA-HQ-2020-002193 EPA-HQ-2019-008674 EPA-HQ-2019-007525	Austin R Evers Austin R Evers Austin R Evers Austin R Evers	American Oversight American Oversight American Oversight American Oversight	<p>Please see attached (EPA-20-0044).</p> <p>Please see attached (EPA-19-1128).</p> <p>Please see attached (EPA-19-0931).</p> <p>Please see attached (EPA-19-0899). All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, handwritten or electronic summaries of any oral communications, or other materials) between (a) political appointees* in the Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, Office of General Counsel, or EPA Leadership Offices and (b) any of the White House Counsel staff listed below regarding congressional oversight of the executive branchâ€”including both specific congressional oversight of specific matters and general policies, concerns, and considerations related to congressional oversight of the executive branch.</p>
EPA-HQ-2019-007470 EPA-HQ-2019-007218	Austin R Evers Austin R Evers	American Oversight American Oversight	<p>Please see the attached (EPA-19-0828). The attached document also contains the justification for our fee waiver request.</p>

			<p>emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, handwritten or electronic summaries of any oral communications, or other materials) between (a) political appointees* in the Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, Office of General Counsel, or EPA Leadership Offices (Custodians in leadership offices: Andrew Wheeler, Henry Darwin, Ryan Jackson, Michael Molina, Helena Wooden-Aguilar, William Wehrum) and (b) any of the White House Counsel staff listed below regarding congressional oversight of the executive branchâ€”including both specific congressional oversight of specific matters and general policies, concerns, and considerations related to congressional oversight of the executive branch. (Key terms: â€œCongressional oversight*â€œ</p> <p>â€œSubpoena*â€œ</p> <p>â€œOversight letter*â€œ</p> <p>â€œOversight request*â€œ</p> <p>â€œHill letter*â€œ</p> <p>â€œCongressional investigation*â€œ</p> <p>â€œCummings*â€œ</p> <p>â€œPallone*â€œ</p> <p>â€œHOGRAâ€œ</p> <p>â€œCORâ€œ</p> <p>â€œCommittee on Oversightâ€œ</p> <p>â€œEnergy and Commerceâ€œ</p> <p>â€œE&Câ€œ</p> <p>â€œE and Câ€œ</p> <p>â€œRequest for documentsâ€œ</p> <p>â€œDocument requestâ€œ</p> <p>â€œInterview requestâ€œ</p> <p>â€œTranscribed interview*â€œ</p> <p>â€œExecutive privilegeâ€œ</p> <p>â€œDeliberative processâ€œ</p> <p>Please see attached (EPA-19-0735).</p> <p>Please see attached (EPA-19-0578).</p> <p>Please see attached (EPA-19-0296). All email communications and associated attachments between any of the custodians listed below and Dr. William (Will) Happer, including any communications on which a custodian and/or Dr. Happer were copied (cc) or blind copied (bcc).</p> <p>Please see attached (EPA-19-0158). Any communications (including emails, email attachments, text messages, calendar invitations, calendar entries, meeting notices, meeting agendas, any handwritten or electronic notes taken during any oral communications, or summaries of any oral communications) between any political appointee* in the offices listed below and Diane Hendricks, or anyone acting on her behalf.</p> <p>Please see attached (EPA-19-0148). All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) C. Boyden Gray or any person acting on his behalf, and (b) any of the individuals listed below or any person acting on their behalf, such as an administrative assistant or scheduler.</p> <p>Please see attached (EPA-18-0995). All communications (including emails, email attachments, calendar invitations or entries, and text messages) including any of the following terms:</p> <p>â€œ great againâ€œ</p> <p>â€œ MAGA*5</p> <p>â€œ #MAGA</p> <p>â€œ drain the swampâ€œ</p> <p>â€œ draintheswamp</p> <p>â€œ build the wallâ€œ</p> <p>â€œ build that wallâ€œ</p> <p>â€œ buildthewall</p> <p>â€œ buildthatwall</p> <p>â€œ promises madeâ€œ</p> <p>â€œ promiseskeptâ€œ</p> <p>â€œ #promiseskept</p> <p>â€œ Trump2020</p> <p>â€œ #trump2020</p> <p>â€œ â€œTrump Trainâ€œ</p> <p>â€œ #trumptrain</p> <p>â€œ â€œKeep America Greatâ€œ</p> <p>â€œ #keepamericagreat</p> <p>â€œ lock her upâ€œ</p> <p>â€œ #lockherup</p> <p>â€œ lock them upâ€œ</p> <p>â€œ #lockthemup</p> <p>â€œ #GOP</p> <p>All email communications and associated attachments sent or received by any political appointee,* including emails on which any custodian is copied (ccâ€™d) or blind copied (bccâ€™d). Responsive records are limited to those including any of the following terms:</p> <p>â€œ IPCC</p> <p>â€œ â€œIntergovernmental Panel on Climate Changeâ€œ</p> <p>â€œ â€œUnited Nations reportâ€œ</p> <p>â€œ UN</p> <p>â€œ â€œ1.5 Câ€œ</p> <p>â€œ â€œ1.5 degreesâ€œ</p> <p>â€œ â€œglobal warmingâ€œ</p> <p>â€œ â€œclimate changeâ€œ</p> <p>Please provide all responsive records from September 15, 2018, through October 31, 2018.</p> <p>Please see attached (MULTI-18-0869-0889).</p> <p>Please see attached (EPA-18-0801).</p> <p>Please see attached (EPA-18-0770).</p> <p>See Attached (EPA-18-0627)</p> <p>See attached. EPA-18-0540</p> <p>Please see attached. EPA-18-0513.</p> <p>Please see attached. EPA-18-0514.</p> <p>Please see attached. EPA-18-0515.</p> <p>See attached. EPA-18-0448</p> <p>See attached letter</p>
EPA-HQ-2019-006730	Austin R Evers	American Oversight	
EPA-HQ-2019-006429	Austin R Evers	American Oversight	
EPA-HQ-2019-005628	Austin R Evers	American Oversight	
EPA-HQ-2019-004023	Austin R Evers	American Oversight	
EPA-HQ-2019-003256	Austin R Evers	American Oversight	
EPA-HQ-2019-003225	Austin R Evers	American Oversight	
EPA-HQ-2019-002332	Austin R Evers	American Oversight	
EPA-HQ-2019-002282	Austin Evers	American Oversight	
EPA-HQ-2019-001592	Austin R Evers	American Oversight	
EPA-2019-001332	Austin R Evers	American Oversight	
EPA-HQ-2019-001000	Austin R Evers	American Oversight	
EPA-2019-000344	Austin R Evers	American Oversight	
EPA-HQ-2018-011129	Austin R Evers	American Oversight	
EPA-HQ-2018-0111078	Austin R Evers	American Oversight	
EPA-HQ-2018-011080	Austin R Evers	American Oversight	
EPA-HQ-2018-011081	Austin R Evers	American Oversight	
EPA-HQ-2018-010844	Austin R Evers	American Oversight	
EPA-HQ-2018-009516	Austin Evers	American Oversight	

			<p>All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries or any oral communications, or other materials reflecting communications) between Andrew Wheeler and the following entities:</p> <p>a. Any members of Congress or congressional staff members (for purposes of searching for email communications, please search for emails between Mr. Wheeler and any email address containing house.gov or senate.gov within the domain name);</p> <p>b. Faegre Baker Daniels Consulting (faegrebd.com)</p> <p>c. Energy Fuels Resources, Inc. (energyfuels.com)</p> <p>d. Murray Energy (murrayenergycorp.com)</p> <p>e. Underwriters Laboratories (ul.com)</p> <p>f. Xcel Energy (xcelenergy.com)</p> <p>g. Bear Head LNG Corporation</p> <p>h. Darling International (darlingii.com)</p> <p>i. Enterprises Swanco LLC</p> <p>j. Whirlpool Corp. (whirlpoolcorp.com)</p> <p>k. Domestic Fuel Solutions Group (dfsgusa.org)</p> <p>l. Celanese Corporation (celanese.com)</p> <p>m. Nuclear Energy Institute (nei.org)</p> <p>n. ICOR International (icorinternational.com)</p> <p>Please provide all responsive records from the date Mr. Wheeler joined EPA through All communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp)) and any handwritten or electronic notes or summaries of any oral communications between Andrew Wheeler and the following entities:</p> <p>a. Heritage Foundation (heritage.org)</p> <p>b. American Petroleum Institute (api.org)</p> <p>c. Competitive Enterprise Institute (cei.org)</p> <p>d. Institute for Energy Research (ierdc.org)</p> <p>e. Texas Public Policy Foundation (TexasPolicy.com)</p> <p>American Oversight requests that EPA produce the following within twenty business days:</p> <p>1) All emails sent by Millan Hupp from September 12, 2017, through September 15, 2017.</p> <p>2) All emails sent by Millan Hupp from December 21, 2017, through January 1, 2018.</p> <p>3) All emails sent by Millan Hupp, Lincoln Ferguson, or Sarah Greenwalt from March 29, 2017, to March 30, 2017.</p> <p>1) All email communications between all schedulers and advance team personnel for Administrator Scott Pruitt, or other personnel with such scheduling or advance responsibilities, including but not limited to Millan Hupp, and: (a) any external entities or individuals (those with email addresses ending in .com/.net/.org/.edu/.mail) OR (b) with Oklahoma state government officials (ok.gov) . . . February 17, 2017 to date search is conducted</p> <p>2) All email communications between 1) all schedulers and advance team personnel for Deputy Administrator Andrew Wheeler, or other personnel with such scheduling or advance responsibilities, such as Mr. Wheeler's executive assistant, and 2) any external entities or individuals (those with email addresses ending in .com/.net/.org/.edu/.mail) . . . April 20, 2018 to date search is conducted</p> <p>3) All email communications between 1) any assistant or other personnel with scheduling or advance responsibilities for Deputy Administrator for Chemical Safety and Pollution Prevention Nancy Beck, and 2) any external entities or individuals (those with email addresses ending in .com/.net/.org/.edu/.mail).</p> <p>American Oversight seeks all records from April 30, 2017, to the date the search is conducted.</p>
EPA-2018-009519	Austin Evers	American Oversight	
EPA-2018-009520	Austin Evers	American Oversight	
EPA-HQ-2018-009134	Austin R Evers	American Oversight	
EPA-HQ-2018-008690	Austin R Evers	American Oversight	See attached. EPA-18-0342
EPA-HQ-2018-008572	Austin R Evers	American Oversight	Please see attached. EPA-18-0337.
EPA-HQ-2018-007976	Austin R Evers	American Oversight	
EPA-HQ-2018-004405	Austin R Evers	American Oversight	American Oversight, EWG, and ADAO request that EPA produce the following records within twenty business days: All records reflecting communications (including emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any responsive communications, summaries of any responsive communications, or other materials reflecting communications) between (a) Scott Pruitt, Nancy Beck, Jeff Morris, Liz Bowman, Greg Schweer, Michael Dourson, Robert Courtneage, or Brian Symmes (or anyone acting on behalf of those individuals, including chiefs or staff or administrative assistants) and (b) any of the following entities (or anyone acting on their behalf): a. Olin Corporation; b. Occidental Chemical Corporation; c. Axiall Corporation; d. American Chemistry Council (including but not limited to Michael Walls); e. The Chlorine Institute; f. American Chemistry Council Chlorine; g. American Friction; h. Chemours; or i. Branham Corporation. Please provide all responsive records from August 1, 2017, to January 30, 2018. Requesting records sufficient to demonstrate EPA's basis for making the statements on the attached request in the agency's September 3, 2017 News Release.
EPA-HQ-2017-011281	Austin Evers	American Oversight	Requesting all communications between (a) all political appointees or SES staff in the Immediate Office of the Administrator, (b) all political appointees or SES staff in the Office of Public Affairs, (c) any employees in the Office of Environmental Information (OEI), including the Chief Information Officer, or (d) anyone acting on behalf of any of those individuals (such as administrative assistants and chiefs of staff), and any of the individuals listed on attached request, etc.
EPA-HQ-2017-011280	Austin Evers	American Oversight	Requesting all records reflecting talking points prepared by, in conjunction with, or in consultation with anyone from the Office of the White House for EPA to respond to media inquiries about the events in Charlottesville.
EPA-2017-010951	Austin Evers	American Oversight	Requesting all records regarding efforts to support, assist, place, encourage, or facilitate any public commentary or messaging regarding the United States' withdrawal from the Paris climate agreement.
EPA-HQ-2017-008870	Austin Evers	American Oversight	